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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,036	10/16/2003	Janne Jalkanen	042933/269519	7495
826	7590	07/27/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			TRAIL, ALLYSON NEEL	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/687,036	Applicant(s) JALKANEN ET AL.	
	Examiner Allyson N. Trail	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-2003, 5-2005</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, 10-12, 14-17, 19-21, 24, 29-31, 34, 35, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Sepanaho (2002/0022961).

Sepanaho teaches the following in regards to claims 1-3, 5, 11, 14-17, 19, and 29-31:

“A short-range radio transmitter establishes a link to a portable digital device (user device) within the transmitters range and transmits a universal resource locator (URL) to the device.” (Abstract).

“In one embodiment, the present invention utilizes a short range radio frequency device placed in a specific location to provide the user of a hand-held unit, such as a digital mobile phone, personal digital assistant or a portable computer, with information relevant to the user's specific location.” (Paragraph 0016).

“The present invention includes the utilization of a radio frequency (RF) link between a programmable transmitter (permanently or volatilely) and a portable digital device (user devices), such as a portable computer, digital mobile phone or a personal digital assistant, across which a universal resource locator (URL) is transmitted from the transmitter to the user device. The systems, methods, programs, and processes

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described in relation to the present invention are not limited to any particular user device. The user device may be a single device, or it may be a plurality of devices working in concert. The transmission will cause the execution of a software program on the user device. This software program will in turn launch the appropriate software program, such as an Internet browser or micro browser, and pass the URL so that the appropriate information may be loaded from that URL through another RF link, such as a digital mobile telephone network." (Paragraph 0017).

Sepananho teaches the following in regards to claims 6, 7, 10, 12, 20, 21, 24, 34, 35, and 38:

Figure 2 shows the components of the URL broadcast device (signaling tag). As shown the figure the signaling tag includes a transceiver.

As shown in figure 3, the signaling tag scans and searches for a user device. Once the device is found a connection is made and the URL is sent to the user's device.

"The radio transceiver module (22) may include any industry standard digital transmission protocol such as Bluetooth.TM. (Motorola, Inc.), IEEE 802.11 b (The Institute of Electrical and Electronics Engineers), or similar, and is connected to an antenna (21). The "Bluetooth" protocol defines a universal radio interface in the 2.45 GHz frequency band that enables wireless electronic devices to connect and communicate wirelessly via short-range, ad hoc networks." (Paragraph 0025).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 8, 9, 13, 18, 22, 23, 32, 33, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sepanaho (2002/0022961) in view of Evanyk et al (2004/0225199).

Sepanaho's teachings are discussed above. These teaching include receiving a connection parameter from the device via the transceiver as disclosed in claims 9, 23, and 37. The teachings above also include reading data from the signaling tag into the terminal when the information regarding the signaling tag indicates that the signaling tag is capable of at least transmitting data (claim 33). Sepanaho's teachings however fail to disclose writing data to the signaling tag or in order words the signaling tag receiving data.

Evanyk et al teach the following in regards to claims 4, 8, 13, 18, 22, 32, and 36:

"Software programmable products, for example, cellular telephones and wireless enabled data or computer devices have receiver/transmitter circuitry that could be adapted to read and/or encode RFID's. The present invention may use this circuitry to read and or write to the reconfiguration data on an RF tag, or receive RF data directly into the product's circuitry via an onboard RFID circuit." (Paragraph 0020).

In view of Evanky et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to allow data communication both to and from the RFID tag as taught by Evanky et al. Sepanaho teaches communication between the signaling tag and the user's device. One would be motivated to permit communication back to the signaling device in order to perhaps ask the signaling device for additional information or communicate that the data transmitted from the tag to the user device was faulty and to resend the data.

5. Claims 25-28 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sepanaho (2002/0022961) in view of Harumoto (2004/0203413).

Sepanaho's teachings are discussed above. These teaching include teachings in regards to claims 26-28, 40, and 41. Sepanaho's teachings however fail to disclose the controller being capable of selecting a signaling tag before receiving information regarding the signaling tag.

Harumoto teaches the following in regards to claims 25 and 39:

"The password and the system ID are data for confirming that the wireless communication tag 72 is a wireless communication tag 72 which is allowed to exchange information with the wireless communication device 130." (Paragraph 0069).

In view of Harumoto's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to offer the user the choice of accepting the data communicated from the signaling device as taught by Harumoto. One would be motivated to allow owners of mobile devices the option of preventing certain information to be communicated to his or her device.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Zeps et al (2003/0043041), Hunt (2003/0097304), and Marks (2004/0193676).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

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All Internet e-mail communications will be made of record in the application file.

PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
July 20, 2005

Jared J. Furman
JARED J. FURMAN
PRIMARY EXAMINER